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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,746	10/27/2003	Itaru Furukawa	50063-069	8831

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EXAMINER	
YUAN, KATHLEEN S	
ART UNIT	PAPER NUMBER
2624	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/692,746	FURUKAWA ET AL.	
	Examiner	Art Unit	
	KATHLEEN S. YUAN	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) *1-11,16-29 and 34-36* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-15 and 30-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-11,16-29,34-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/10/2008. The restriction is made final herein.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 12-15 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled "Clarification of 'Processes' under 35 U.S.C. 101"). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-15 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 12 recites the limitation "the standard RIP processing conditions" in lines`11-12. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 15 and 33 recite the limitation “the same print pages.” There is insufficient antecedent basis for this limitation in the claim. Previously the applicant claims only "a same print page."

Translation

8. An unofficial computer English translation, which has the same format (i.e., paragraph numbers) as Japanese Patent Publication Number (10-154234) is provided to the applicant. This translation is also available online at (URL): http://dossier1.ipdl.inpit.go.jp/AIPN/odse_top_dn.ipdl?N0000=7400.
The Examiner has used the unofficial translation for the interpretation of Japanese Patent Publication No. 10-154234. An official translation will be provided with the next Office Action, upon applicant’s request.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 12 and 30 are rejected under 35 U.S.C. 102(b) as being unpatentable by Japanese Abstract and machine translation of Publication No. 10-154234 (Katsuya et al).

11. Regarding claim 30, Katsuya et al discloses a prepress system (title) comprising: a first RIP processor for preparing a first RIP data, that which processes the page description data that is saved as the first proofreading (abstract), by executing RIP processing, obtaining raster conversion (abstract), on a first print image data according to first RIP processing condition of bring the initial image data (abstract),a second RIP processor for preparing a second RIP data, that which processes the second proofreading (abstract) by executing RIP processing, in accordance with second RIP processing conditions that differ from the first RIP processing conditions, the conditions being that the image is corrected in result of proofreading, on a second print image data obtained by carrying out another prepress processing, the processing occurring before printing, and is therefore prepress processing (paragraph 2) to the first print image data, the prepress processing being the correction to obtain the latest page description data (abstract); a converter for preparing a first plate image-inspection RIP data, that which converts the data in a value of density by pixel (abstract), in accordance with standard RIP processing conditions by converting the first RIP data using a first profile

representing relationship between the standard RIP processing conditions and the first RIP processing conditions by converting the data into density by the pixel, therefore comparing the standard RIP known conditions of if a pixel is a certain way, then it is converted to a certain density to the first RIP processing conditions of being the initial data and using the initial data as what is converted (abstract), and for preparing a second plate image-inspection RIP data, the second proofreading that is converted by density (abstract) in accordance with the standard RIP processing conditions by converting the second RIP data, using a second profile representing relationship between the standard RIP processing conditions and the second RIP processing conditions, as explained above for the first RIP processing conditions, except the second RIP processing conditions are used in the second plate image-inspection data; and a comparator for comparing the first and second plate-image-inspection RIP data to detect differences between the first and second print image data, that which performs the comparison by the pixel (abstract).

12. Claim 12 is rejected for the same reasons as claim 30. Thus, the arguments analogous to that presented above for claim 30 are equally applicable to claim 12. Claim 12 distinguishes from claim 30 only in that claim 30 is a system and claim 12 is a method. Since a system carries out a method, prior art applies.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claims 12-13 and 30-31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuya et al, as applied to claims 12 and 30 above, in view of U.S. Patent Application Publication No. 20030026457 (Nahum). Claims 12 and 31 are reinterpreted below.

Regarding claim 30, Katsuya et al discloses all of the claimed elements as set forth above and incorporated herein by reference. Katsuya et al further discloses another way of interpreting the processing conditions, as with resolution. Katsuya et al's first processing condition would be the resolution in which the first RIP data is obtained, and the second processing condition would be the resolution in which the second RIP data is obtained, which can differ (paragraph 43). Katsuya et al further discloses that the resolutions can be converted to match to the image with the lowest resolution (paragraph 43). Therefore, the first and second plate-image-inspection RIP data can be interpreted as the converted image with matching resolution.

Interpreting "processing conditions" as resolution (as in claim 31) Katsuya et al does not disclose expressly both first and second plate-image-inspection RIP data are converted into a standard resolution, therefore, using a first/second profile representing relationship between the standard RIP processing conditions and the first/second RIP processing condition since in order to convert the first/ second data to a standard resolution, a relationship would be found to find how the first/second resolutions compare to the standard resolution.

Nahum discloses before comparing images of different resolution, converting both the images to a standard resolution, lower resolution (page 1, paragraph 9).

Katsuya et al and Nahum are combinable because they are from the same field of endeavor, i.e. comparison of images.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to reduce the resolution in both images to a standard, lower resolution.

The suggestion/motivation for doing so would have been to provide a faster system by lowering the computational load.

Therefore, it would have been obvious to combine the image matching system of Katsuya et al with the lowering of resolution in comparison images of Nahum to obtain the invention as specified in claim 30.

15. Regarding claim 31, Nahum discloses the standard RIP processing conditions include, as a parameter, a resolution lower than a resolution in the initial images to be compared (page 1, paragraph 9). Katsuya et al a final outputting step of outputting raster data of a high resolution, indicating a resolution of the initial images (paragraph 43). Therefore, the combination of Nahum and Katsuya et al discloses that the standard resolution is lower than the final output.

16. Claims 12 and 13 are rejected for the same reasons as claims 30 and 31, respectively. Thus, the arguments analogous to that presented above for claims 30 and 31 are equally applicable to claims 12 and 13. Claims 12 and 13 distinguish from claims 30 and 31 only in that claims 30 and 31are systems and claims 12 and 13 are methods. Since a system carries out a method, prior art applies.

31. A prepress system according to Claim 30, wherein

17. Claims 14-15 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuya et al in view of U.S. Patent No. 5969798 (Nakagawa et al).

Regarding claim 32, Katsuya et al discloses all of the claimed elements as set forth above and incorporated herein by reference.

Katsuya et al does not disclose expressly each of the first and second print image data represent an image in which at least one print page is laid out on a mount area in accordance
with specified page layout conditions, and the prepress system further comprises: an image region extracting section for extracting an image region corresponding to a same print page from each print image data, based on the page layout conditions specified for each print image data.

Nakagawa et al discloses a plate inspection system that obtains first and second print image data, like Katsuya (fig. 5, s1, s2) which are inspected (fig. 5, s4). The first and second image data represent an image in which at least one print page is laid out on a mount area in accordance with specified page layout conditions (fig. 6, s102), and the prepress system further comprises an image extracting section for extracting an image region corresponding to a same print page from each print image data by reading the full page image data, and thus extracting the regions of the page (fig. 6 and fig. 7) based on the page layout conditions specified for each print image data (fig. 6, s102

precedes the reading in fig. 6 and fig. 7). The extracting section can also be interpreted as that which extracts the position of the alignment marks (fig. 8, s302).

Katsuya et al and Nakagawa et al are combinable because they are from the same field of endeavor, i.e. reading plate images for inspection.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to extract regions of the image for inspection.

The suggestion/motivation for doing so would have been to provide the most accurate and robust inspection by considering all relevant areas of the page.

Therefore, it would have been obvious to combine the system of Katsuya et al with the page layout conditions and extraction of Nakagawa et al to obtain the invention as specified in claim 32.

18. Regarding claim 33, Nakagawa et al discloses the image region extracting section (fig. 8) is configured to rotate the image region of at least one of the first and second print image data so that

layout angles of the same print pages for the first and second print image data become equal to each other (fig. 8, s306 and 307).

19. Claims 14 and 15 are rejected for the same reasons as claims 32 and 33, respectively. Thus, the arguments analogous to that presented above for claims 32 and 33 are equally applicable to claims 14 and 15. Claims 14 and 15 distinguish from claims 32 and 33 only in that claims 32 and 33 are systems and claims 14 and 15 are methods. Since a system carries out a method, prior art applies.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHLEEN S. YUAN whose telephone number is (571)272-2902. The examiner can normally be reached on Monday to Thursdays, 9 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571)272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624

KY
11/10/2008